IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10245 of 1997

Between:

S., Sri Lakshmi Devi, W/o Late S. Poornachandra Rao, 48 years, Bhimavaram.

..... PETITIONER

AND

1. The Licensing Officer, Eluru, W.G.District, office of the Deputy Transport Commissioner, West Godavari District at Eluru.

2. The Asst. Motor Vehicle Inspector, Bhimavaram, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of writ of certiorari, by calling for the records from the file of the first respondent in his R.NO.8834/A3/96, and to quash his demand notice dated 20.03.1997 demanding a sum of Rs.31,493/- from the petitioner in respect of her bus A.P. 37/T 8049 for the quarter ending 30.06.1996 made therein.

Counsel for the Petitioner: MR.T.VENKATA RAMANA

Counsel for the Respondents: GP for Transport.

The Court made the following

ORDER: (per the Hon'ble Sri Justice Bilal Nazki.J)

The allegation against the petitioner was that while he had town service stage carriage permit, his vehicle was found carrying 20 passengers on contract basis, for a festival, beyond the permitted route, in violation of conditions of the permit. Therefore, he was levied with tax of Rs.875/- per seat for 55 seats, which is arrived at Rs.48,125/-. The petitioner had already paid tax of Rs.16,632/- as stage carriage permit and a demand of the balance was made, which has been challenged in this writ petition.

The Larger Bench of this Court in *L. Royal Reddy and others v. Government of Andhra Pradesh* has already decided that though the conditions of permit are violated, the rate of tax cannot be changed. However, for violation of conditions of permit, the respondents would be at liberty to take recourse to law.

Following the said Judgment, we allow this writ petition and set aside the notice dated 20.03.1997. However, Department would be at liberty to proceed against the petitioner for violation of conditions of permit, if it so desires. No order as to costs.

(BILAL NAZKI. J)

---------- (S. ANANDA REDDY. J)

Date: 27.10.2004

Ksld

To

1. The Licensing Officer, Eluru, W.G.District, office of the Deputy Transport Commissioner, West Godavari District at Eluru.

2. The Asst. Motor Vehicle Inspector, Bhimavaram, West Godavari District.

3. Two CCs to the GP for Transport, High Court of A.P.(OUT).

4. Two CD copies.